

1885-006 Chancery Causes: Charles E. Baylor vs. Asa R. Fletcher &c  
Lee Co.

Thompson

CA-Debt  
T-Property

-Deed



To the Hon John A. Kelly Judge of the Circuit  
Court of Lee County, Virginia

Charles E. Baylor of said county humbly com-  
plaining respectfully sheweth unto your Honor  
that on the 4<sup>th</sup> day of February 1884 he obtained  
before John W. Woodard a justice of the peace for the  
said county a judgment at law against Asa R.  
Fletcher as A. R. Fletcher and D. E. Thompson for the  
sum of \$80.00 with legal interest thereon from the  
11<sup>th</sup> day of April 1883 till paid, and the costs of \$1.00  
and the original warrant on which said judgt. was  
rendered, the said judgt. and the execution which  
was issued thereon is herewith filed as a part of  
this bill marked (A) Your Orator further

states that each and every part of said judgment,  
is now due and owing to him, no part thereof  
having ever been paid to him, either by said Fletcher  
or Thompson, or any one else for them: on the  
execution which issued upon said judgment one  
C. D. Smith a constable of said county has made  
a return thereon of "no property found."

Your Orator further states that said judgment  
has been docketed on the lien docket in the clerk's  
office of the County Court of Lee County and indexed  
in the name of said Fletcher & Thompson:

Your Orator further states that at the time said  
judgment was rendered as well as now the  
said A. R. Fletcher was and is the owner of said



estate lying and being in said county of Lee on Passes  
river about 13 miles South West from Lee Bank House  
and near the Tennessee line, a part of which said  
Fletcher purchased from Elizabeth Wallerburger another  
part from Sallie Fletcher and another part from  
one Susan King, all which are shown and described  
in the several deeds by which the same were conveyed  
to him, copies of which are herewith filed as parts of  
this bill, the first, marked (B.) the second (C.) and  
the third (D). Your Orator states that said judgment  
at law before referred to operates and constitutes  
a lien on said real estate, the rents and profits  
of which will not in five years pay and dischar-  
ge said judgment, and he is advised that it  
is the province of a court of equity to enforce liens  
like this, and to obtain such relief is the object  
of this bill. The premises concluded the prayer  
of your Orator is that said A.R. Fletcher and D.E.  
Thompson be made defendants to this bill, and be  
required to answer the same fully on Oath, that  
upon a hearing of the cause a decree be rendered dire-  
cting so much of said land to be sold as will be sufficient  
to pay said judgment and cost. And if your Orator  
is in any way mistaken in this his Special prayer  
then he prays for all such general relief as it is  
meet for a court of equity to grant in the premises  
May the Commonwealth vouch of God issue directed &c.

Henry J. Morgan for Plff.



6. 3.87 Pa  
Co. 1.90  
3 1.00  
15.00  
Estima. 2.00-1.27 pd  
\$23.77.

Charles E. Bayler. <sup>D. J. M.</sup>

vs. } Bill

Asa R. Fletcher + al

1884. May 5<sup>th</sup> Bill Filed  
" June 1<sup>st</sup> Exd & D. N.  
" July, D. N. Confd & Contd.  
" Aug. Cause set for hearing  
by the Plaintiff.  
" Aug. Decree & Contd.  
1885 Mr. Decree final



Chas. E. Bayler.

Plff

vs.

Asa R. Fletcher and

Defts

In Chancery

This cause came on further to be heard on this day, and the papers heretofore read in the cause, and the report of Henry J. Morgan comt. dated Oct 1<sup>st</sup> and filed in the cause Oct 30<sup>th</sup> 1884 showing the raising of the bond in the bill mentioned for two years for a sum sufficient to pay the debt and costs, and was argued by counsel, and the said report being unaccepted to. On consideration of all which it is adjudged ordered and decreed that said report be and the same is hereby confirmed and it appearing from said report that said Bayler had accepted two bonds of \$44.17 each in settlement of the debt decreed him in the cause, and in this way the object of the suit has been attained, and nothing further to be done in the premises, the parties are therefore hence dismissed, and the cause stricken from the docket.



Chas E. Bayler

no. 3 Decm 102 final

Asa R. Flittum sub

March Term 1885.

Entered page 419.

J. A. G. Hyatt C.C.

Entered  
J. A. G.  
Mar 25/85



Charles E. Baylor

vs.

Asa R. Fletcher & al

Plff

In lly

Defts

This cause came on this day to be heard on the bill of the plaintiff and exhibits therewith taken for confessed by the defendants and was argued by counsel. And it being suggested to the court that the real estate of the deft Fletcher will in less than five years pay the debt and costs due the Plff, and the plaintiff being willing to take a decree for the renting of said real estate. On consideration of all which It is adjudged ordered and decreed that the plaintiff recover of the deft A. R. Fletcher \$81.00 with legal interest on \$80.00 from the 11th day of April 1883 till paid the costs of this suit. And if this decree be not paid the Plff within 20 days from this day, then it is further adjudged that the 3 tracts of land in the bill mentioned belonging to the deft Fletcher be rented out for the shortest space of time that the same will yield a sum necessary to pay and satisfy this decree. This renting shall be made at public outcry to the highest <sup>bids</sup> at the front door of the court house of Lee county ~~in~~ on same court <sup>day</sup> after the same shall have been advertised 30 days prior thereto showing the time terms and place of renting the lease price shall be payably annually bearing interest from the day of leasing, and the lessee <sup>is</sup> required to give bond with good security for the lease price of said land, and at said leasing so much cash will be required in hand as will be necessary to pay the costs of suit and such leasing. And H. J. Morgan is appointed a commissioner to execute this decree, who will report his action to the court and the cause is continued.



Charles E. Bayles

as { Decm. 1

Asa R. Fletcher vol

Entered pages 391-2

J. A. G. Hyatt C.C.

Enter this decm

Augt 27-1884.

J. A. K.

Chd 157



Chas. E. Bayler

Plff

vs.

In Reply

Asa R. Fletcher & al

Defts

To the Hon John A. Kelly, Judge of the Circuit Court of Lee County, Virginia:

After having advertised that I would do so, I was ordered on the 21st day of Oct 1884 as directed by a decree entered in this cause on the 27th of Augt 1884 to visit and view the lands in the bill and proceedings mentioned for the shortest space of time that the same would yield a sum necessary to pay the debt and costs decreed the plaintiff in this cause. When Asa R. Fletcher the defendant offered for the use of said land for two years the sum of \$117.69 payable in one and two years with interest from date, and that sum being sufficient to pay said debt and costs, and the best price offered for the same. the said Asa R. Fletcher became the owner of said land for two years at said price of \$117.69.

The said Fletcher thereupon paid me the sum of \$29.35 the costs of said and sale which I have paid out to the proper parties after retaining the attorneys fee and 5 per cent commission as shown in the statement hereto attached.

Mr Fletcher then executed to me as Court with Wm. Robinson and A. R. Surgeson as security his two notes or bonds for \$44.17 each bearing interest from date and payable in one and two years. And the plaintiff Bayler being to accept those bonds in settlement of his debt against the said Fletcher; your commission thereupon claimed said two bonds saved as aforesaid to said C. E. Bayler in payment of his said debt.



All which is respectfully submitted.

Henry J. Morgan Const.

Oct 21st 1884.

Cash received on day of Sealing	\$29.35
Attorneys fee retained	\$15.00
5% cent Com on \$117.69 retained	5.55
Paied Clerk his fee & Estimated cost	5.87
" Clerk Co. Const.	1.70
" Sheriff his fee	1.00
	<u>\$29.35</u>

Chas E. Bayler

23. { Const. Report No 1.

Asa R. Hutchinson

1884 Oct 30<sup>th</sup> paid this day.

J. A. G. Hyatt C. C.



# Notice

Chas E. Baylor      Peff  
 vs.      } In Chy.  
 Asa R. Fletcher and      Defts.

Pursuant to a decree of the Circuit Court of  
 Lee County rendered in this cause on the 27<sup>th</sup> Sep<sup>r</sup> Augt, 1884.

B 387  
 Co B 1.90  
 S 1.00  
 A. 15.00  
 Est 2.00  
 Com 5.58

29.35

I will rent out the lands of the defendant Fletcher to the  
 highest bidder at public outcry at the front door of  
 the court house of Lee County on the first day of the  
 Oct<sup>r</sup> term of the county court of said county for the year  
 1884, for the shortest space of time that the same will  
 yield the sum necessary to satisfy the debt in the cause.

At this leasing so much cash in hand will be required  
 as will the costs of suit and leasing, and as to the residue  
 the lessee will be required to give bond with approved sure-  
 -ty bearing interest from day of leasing for the deferred  
 payments. and these deferred payments are to <sup>be</sup> made at  
 the end of each current year, during which said lease may  
 run.

Henry J. Morgan Court.  
 Sep<sup>r</sup> the 12 1884.

## Statement & calculation

Decree in favor Peff with interest from April 11 - 1883 for \$81.00

Int on \$80.00 to Oct the 20<sup>th</sup> 1884.

7.33  
 88.33

Acad for costs of chy suit

23.77 2

" " 5 per cent commission on \$111.77

5.58 29.35

Total - - - \$117.68



VIRGINIA, Lee County--To Wit:

To

*J. D. Smith*

Constable of Said County:

I HEREBY COMMAND YOU TO SUMMON

*A. R. Fletcher & E. Thompson* if to be

Found in your District, to appear at

*J. W. Woodward*

in said County, on the *4<sup>th</sup>*

day of *February*

188*4*

before me or such other Justice of said county, as may then be there to try

this Warrant, to answer the complaint of

*Chas E Baylon*

and upon a claim for money

not exceeding \$100.00, exclusive of interest, to wit: for the sum of \$*80.00* due by

*Note* And then and there

make return of this Warrant. Given under my hand, the *28* day of *Jan*

188*4*

*J. W. Woodward* J. P.

*Chas E Baylon*  
against

On the *4<sup>th</sup>* day of *Feb*  
(In Debt.)  
At

*my Office*

in-said County.

188*4*

*I give* *A. R. Fletcher & E. Thompson*  
JUDGMENT, That the Plaintiff recover of the Defendant, \$*80.00*  
of *April* 188*3* till paid; and \$*1.00* for costs.

with interest thereon from the *4<sup>th</sup>* day

*J. W. Woodward* J. P.

VIRGINIA, Lee County--To wit:--To

*J. D. Smith*

Constable of said County:

I command you, in the name of the Commonwealth of Virginia, that of the goods and chattels of

*A. R. Fletcher*

*& E. Thompson*

in your county, you cause to be made the sum of \$*80.00* with interest thereon from the

*11<sup>th</sup>* day of *April*

188*3* till paid, which

*Chas E Baylon*

has recovered before

*me*

in a warrant in debt, and also the sum of \$*1.00*

which were adjudged to the said

*A. R. Fletcher & E. Thompson*

for costs in prosecuting said warrant. Given

under my hand, the

*4<sup>th</sup>* day of *February*

188*4*

*J. W. Woodward* J. P.



To H. Baylor  
Warrant  
V. D.  
A. R. Fletcher & B. Thompson  
Executed and  
returned for trial  
Feb 4<sup>th</sup> 1884

J. B. Smith, C. L. C.  
Executed no property  
found this 24<sup>th</sup>  
day of April 1884  
J. B. Smith M. D. C.

Apr 26<sup>th</sup> 1884 filed  
& docketed.

J. R. Gibson C. L. C.

(A)

The writ in Execution  
renewed 60 days  
from this date this  
April 16<sup>th</sup> 1884  
J. W. Woodward J. C.



This Deed made this 7th day of October in the year 1850. between Elizabeth Wolfenbarger of the county Hancock and State of Pennsylvania of the first part, and Asa R. Fletcher of Lee County Va. of the second part, Witnesseth that the said Elizabeth Wolfenbarger for and in consideration of the sum of one hundred and twenty five dollars. to her in hand paid, the receipt whereof is hereby acknowledged, hath bargained and sold, and by these presents doth grant, bargain, sell, and convey unto the said A. R. Fletcher and her interest in and to the estate both real and personal of John G. Fletcher deceased, the real estate consisting of one tract or lot of land, lately assigned to the said Elizabeth Wolfenbarger by commissioners, and marked 105. on the plat filed with their report, in the clerk's office at Jonesville Va. estimated to contain 35. acres and bounded as follows Viz. Beginning at a stake 8 feet E. of a corner of Parkey's land and running thence N. 15° W 224 poles to three sycamores and two willows on the south bank of Powell's river, thence down the river as it runs down to a large sugar tree and a large corner, corner to the 6th lot and with a line thence of S. 15° E 227 poles to a corner of Parkey's



land and with his line at  $62^{\circ}$  E  $2\frac{1}{2}$  poles to  
a stake thence S.  $22^{\circ}$  E 2 poles to a stake or  
rock, thence at  $62^{\circ}$  E. one half pole to the  
beginning, is here and to hold the said  
land, and the said Elizabeth Wolfenbarger  
doth covenant with the said A. R. Fletcher  
to warrant the land with all its appur-  
tenances and the said personal estate  
also free from the claim of herself her  
heirs & all persons whomsoever.

Witness the following Signature and Seal.

Elizabeth<sup>th</sup> Wolfenbarger Seal  
mark

Virginia Lee County to wit:

D. D. J. Sibbert a Justice of the Peace  
for the County aforesaid in the State of Vir-  
ginia, do certify Elizabeth Wolfenbarger has  
hereby signed to the writing above bearing  
date the 7th day of October 1880. has acknowledged  
the same before me in my County, Virginia, under  
my hand on this the 8th day of October 1880.

D. J. Sibbert J. P.

Virginia Lee County Clerk's office the 28th day  
of December 1881. The foregoing deed bearing date  
October 7th 1880. between Elizabeth Wolfenbarger  
of Hancock County Tennessee of the first part  
and Asa R. Fletcher of Lee County Virginia, of  
the second part, was submitted to record upon  
the certificate of D. J. Sibbert a Justice of the



Peace for Lee County Virginia.

veste-

John R. Gibson Clerk

Chapin,

veste John R. Gibson Clerk.



Asa R. Fletcher  
From } Copy of Deed  
E. Walflinbarger

Seed Book 19'

Page 5-27

J. R. Gibson clh

(B)

For this Copy 50



This Deed made this 1st day of October in the year, 1880. between Sarah F. Fletcher of the one part, and Asa R. Fletcher of the other part, both of Lee County Va. Witnesseth that the said Asa R. Fletcher for and in consideration of one hundred and twenty five dollars to her in hand paid the receipt whereof is hereby acknowledged, hath bargained and sold and by these presents do grant, bargain, sell and convey unto the said A. R. Fletcher a certain tract or lot of land lying in the said county, on the S. Side of Powell's River It being the entire share of the said S. F. Fletcher, assigned her by commissioners appointed by order of court to partition the lands of her father J. S. Fletcher decd, and marked No 6 on a plat filed by them in the Clerk's office at Jonesville estimated to contain 36 acres and bounded as follows Viz: Beginning at a corner of Parkey's land and running thence with lines of the same N 81° W 60 1/2 poles to a stake, thence, S 62° W 2 poles to a stake, thence S 31° E 42 poles to a stake at a fence and nearly with the fence S 73° W 20 poles to a cedar and locust, thence leaving Parkey's lines N 15° W 314 poles to a poplar and sugar tree on the S. bank of the river, thence up the river as it meanders to a poplar and large Sycamore corner to the 5th lot,



and with a line there of \$15<sup>00</sup> & 227 poles to the beginning, to have and to hold the said land, and the said Sarah F. Fletcher doth covenant with the said John R. Fletcher to warrant the land above described with all its appurtenances free from the claim of herself, her heirs and all persons whomsoever, Witness the following signatures and seal.

Sallie Fletcher Seal,  
Virginia Lee County to wit:

D. L. J. Gilbert a Justice of the Peace for the county aforesaid in the State of Virginia do certify Sallie F. Fletcher has now or signed to the writing above bearing date the 1st day of October 1880. has acknowledged the same before me in my county, given under my hand this the 8th day of October 1880.

D. L. J. Gilbert J. P.  
Virginia Lee County Court Clerk's office the 26th day of December 1881. The foregoing deed bearing date October the 1st 1880. between Sallie Fletcher of the first part and John R. Fletcher of the second part both of Lee County Virginia, was admitted to record upon the certificate of D. L. J. Gilbert a Justice of the Peace for Lee County Virginia.

Teste

John R. Gibson clerk

C. Scofield

Teste John R. Gibson clerk



A. R. Fletcher  
From } Copy of Deed  
Sallie Fletcher

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Deed Book 1017

Page 26

J. R. Gibson et al.

(6)

10  
Deed Copy 0005



This Indenture made and entered into this 19<sup>th</sup> day of March A. D. 1880. Between Susan King, formerly Susan Fletcher of the county of Blaine and State of Tennessee, heir of John G. Fletcher deceased, of the one part, and Asa R. Fletcher of the county of Lee and State of Virginia, of the other part, Witnesseth that the said Susan King, for and in consideration of one hundred dollars to her in hand paid, the receipt whereof is hereby acknowledged, hath and by these presents doth grant, bargain, sell and convey, unto the said Asa R. Fletcher and his heirs and assigns forever, a certain tract or parcel of land containing twenty seven acres be the same more or less, situated and lying on both sides of Powell's River in the county of Lee, and State of Virginia. it being the undivided share of land coming to and virtually belonging to the said Susan King as the share of the said Susan, & coming from the estate of her father or any other source known as the John G. Fletcher tract and her share in her mother's dower in said tract together with the improvements thereon, to have and to hold unto the said Asa Fletcher his heirs and assigns



will forever and Susan King for herself  
her heirs and assigns will forever  
warrant and defend the title to the  
above interest, to said tract or parcel  
of land, to the said Asa R. Fletcher  
forever free from lawful claim  
or title or demand of all persons whom-  
soever either in law or equity in tes-  
timony whereof the said Susan King  
hath hereunto set her hand and seal  
the day first above written signed  
and sealed in presents. of ev.  
Susan King

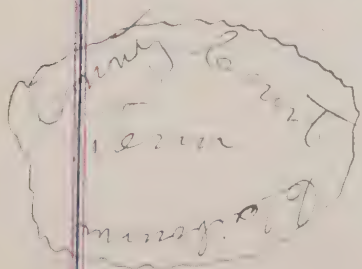
Witnesses.

W. P. Isom.

Millard Meyers.

State of Tennessee }  
Claiborne County } Personally appeared before  
me H. Ritchie clerk of County Court of said  
County the within named Susan King with  
whom I am personally acquainted, and who  
acknowledged that she executed the annexed  
instrument for the purposes therein contained  
Witness my hand at office this 20th day of  
March 1880.

H. Ritchie clerk.





Virginia, Lee County Court Clerk's office the 26<sup>th</sup>  
day of Decr. 1887.

The foregoing deed bearing date the 19<sup>th</sup>  
day of March 1887, between Susan King,  
of Claiborne County Tennessee of the  
first part, and Asa R. Fletcher of Lee  
County Virginia, was admitted to  
record upon the Certificate of H. Ritchie  
Clerk of Claiborne County Court in  
the State of Tennessee.

Teste John P. Gibson Clerk

Attest

Teste John P. Gibson Clerk.



Asa Fletcher  
Hand Copy of Deed  
Susan King

Deed Book  
17 P. 5-25-

J. R. Gibson clk

(D)

Fee for this copy .60



# THE COMMONWEALTH OF VIRGINIA.

To The Sheriff Of Lee County Greeting :

We Command You to Summon

*Asa R. Fletcher*  
and *D. E. Thompson*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in

*June* next being rule day to answer a bill in Chancery exhibited in our said Court against *them*  
by *Charles E. Baylor*

And have then there this writ. Witness J. A. G. HYATT Clerk of our said Court at the Courthouse

This

*5th*

day of

*May*

188

*4*, in the

10

*8*

year of the Commonwealth.

*J. A. G. Hyatt* Clerk.



H. J. M.

Chas. E. Baylor  
vs 3 Spa in Chcy

Asa R. Fletcher  
& others.

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June Rules 1884.

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Executed.

S. H. Ewing S.D.  
for R. D. Flannery S. L.C.  
June 27 1884

Chd - 157



684

Standing No. 43a

-IN-

LEE CIRCUIT COURT.

Pl's ATTY. H. M.	Charles E. Bales	Def's ATTY.
Pl's costs.	vs. { Bill in { Chancery. { Asst. R. Flecher do	Def's costs. \$
Total \$		\$

Reference Docket... Page 33 Line 36

1st calling... Term 188...

Decided March... Term 188...